

### Remarks

#### 1. Summary of Office Action

In the Final Office Action mailed January 3, 2006, the Examiner rejected claims 1-12, and 14 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,880,171 (Ahmad et al), and the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being allegedly obvious over a combination of Ahmad and U.S. Patent No. 6,851,060 (Shrader).

#### 2. Interview with the Examiner

In a telephone interview with the Examiner conducted February 2, 2006, the Examiner and the Undersigned discussed points of distinction between Ahmad and claims 1, 3 and 5. The Examiner requested that the Applicant submit an Office Action detailing at least one distinction between claims 1, 3 and 5 and Ahmad.

#### 3. Status of the Claims

Presently pending and under examination are claims 1-14, of which claim 1 is independent and the remainder are dependent.

#### 4. Response to § 102 Rejection

As noted above, the Examiner rejected claims 1-12 and 14 under § 102 as being allegedly anticipated by Ahmad. Applicant respectfully submits that this rejection is improper and should be withdrawn, because Ahmad does not teach (expressly or inherently) each and every element of any of these claims as would be required to support an anticipation rejection under M.P.E.P. § 2131.

At a minimum, Ahmad does not teach delivering content in a first presentation mode format to a client device while in a state of the session and, in response to a mode-switching signal received from the client device, continuing the session by delivering *the content* in a

second presentation mode format to the client device, where the first presentation mode format is different from the second presentation mode format.

Ahmad teaches a system for presenting a plurality of content segments concurrently on one or more client devices (such as a dedicated display device and/or a remote control device). According to Ahmad, a user opts to view particular categories of information, and the system presents the information to the user while optionally also presenting related news stories to the user as well, in what appears to be an information portal. As such, Ahmad describes receiving various audiovisual and text content, segmenting the content based on programmatic analysis of where breaks occur in the content, presenting content segments to the user based on the subject matter category(ies) selected by the user, and further presenting related content segments (e.g., news stories on the same topic) to the user as well.

The fact that Ahmad allows a user to pull up related stories while viewing particular content does not amount to Applicant's claimed feature of delivering content to a client device in one presentation mode format and, in response to receipt of a mode-switching signal from the client device, delivering *the content* to the client device in a different presentation mode format. Indeed, Ahmad's function of delivering a set of related stories to one or more client devices (if, for sake of argument, some stories are in different presentation-formats than others) does not achieve the benefit of the presently claimed invention, namely, to allow a change in presentation mode format of the *same content*, while maintaining session state.

In rejecting claim 1, the Examiner asserted that column 6, lines 33-44, of Ahmad teaches (i) delivering content to a client device in a first presentation mode format, namely, as audiovisual data, (ii) receiving a mode-switching signal from the client device, and (iii)

responsively continuing the session by delivering the content to the client device in a second presentation mode format. Applicant respectfully disagrees.

At column 6, lines 33-39, Ahmad describes a remote control interface through which a user can direct the system to stop presenting a particular segment, begin presenting another segment, or repeat presentation of the current segment, and through which the user can view of map of available segments to be presented. At column 6, lines 40-44, Ahmad then explains that both audiovisual content and text content can be displayed. However, Ahmad does not teach there or elsewhere the functional combination of delivering given content to a client device in a first presentation mode format (e.g., an audiovisual presentation mode format), receiving a mode-switching signal from the client device, and responsively delivering the *same* given content to the client device in a second presentation mode format (e.g., a text presentation mode format).

Because Ahmad does not teach all of the elements of claim 1, Applicant submits that Ahmad fails to anticipate claim 1. Further, because claims 2-12 and 14 each depend from claim 1, it follows that Ahmad also fails to anticipate claims 2-12 and 14.

In addition, the Examiner's anticipation rejection of claim 14 over Ahmad is necessarily improper, because the Examiner has admitted that Ahmad does not teach all of the limitations of claim 14. In particular, when rejecting claim 13 on grounds of obviousness, the Examiner stated, "Ahmad et al failed to teach 'determining whether the client device is authorized to receive content.'" Yet "determining whether the client device is authorized to receive content" is an element of claim 14, since claim 14 depends directly from claim 13. Consequently, the Examiner has admitted that Ahmad fails to teach an element of claim 14 and has thereby established that Ahmad does not anticipate claim 14.

**5. Response to § 103 Rejection**

As noted above, the Examiner rejected claim 13 as being allegedly obvious over a combination of Ahmad and Shrader. Applicant submits that this rejection is improper and should be withdrawn, because the Examiner has not established that the combination of Ahmad and Shrader teaches each and every element of claim 13 as would be required to support an obviousness rejection under M.P.E.P. § 2143.

Claim 13 depends ultimately from claim 1 and incorporates all of the limitations of claim 1. As explained above, Ahmad does not teach all of the limitations of claim 1. Therefore, it follows that Ahmad does not teach all of the limitations of claim 13 either. Further, the Examiner has not established that Shrader makes up for the deficiency of Ahmad. Consequently, the Examiner has not made out a *prima facie* case of obviousness of claim 13 over the combination of Ahmad and Shrader.

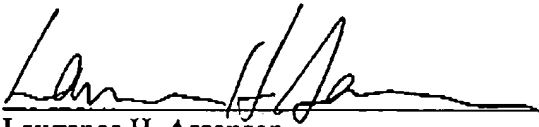
**6. Conclusion**

For the foregoing reasons, Applicant submits that claims 1-14 are in condition for allowance. Applicant thus respectfully requests favorable reconsideration. Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: March 1, 2006

By:   
Lawrence H. Aaronson  
Reg. No. 35,818